

United States Court of Appeals
For the Eighth Circuit

No. 13-1078

United States of America

Plaintiff - Appellee

v.

Jesse Raymond Akers

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: August 28, 2013

Filed: September 3, 2013

[Unpublished]

Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Jesse Raymond Akers directly appeals the within-Guidelines-range sentence imposed by the district court¹ upon his guilty plea to firearm offenses. His counsel

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), questioning whether the district court committed reversible error during the guilty-plea or sentencing proceedings.

After a careful review of the record, this court finds no grounds for reversal in connection with the taking and acceptance of Akers's guilty plea, *see* Fed. R. Crim. P. 11 (procedures and criteria for accepting guilty plea), or the imposition of his sentence, which this court finds is reasonable, *see United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (discussing appellate review of federal criminal sentence for significant procedural error and substantive reasonableness, and noting court's discretion to apply appellate presumption of reasonableness to sentence within advisory Guidelines range). The district court was authorized to run the sentences for the two counts at issue partially consecutively to achieve the total punishment that the district court determined was appropriate, *see* U.S.S.G. § 5G1.2(d), and the court was authorized to impose the sentence consecutively to Akers's undischarged state sentence, *see* U.S.S.G. § 5G1.3(c). In determining the sentence, the district court recognized, discussed, and applied relevant factors under 18 U.S.C. § 3553(a). This court has reviewed the record independently under *Penson v. Ohio*, 488 U.S. 75 (1988) and finds no nonfrivolous issues.

Counsel's motion to withdraw is granted, and the judgment is affirmed.
